

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Promote Policy
and Program Coordination and Integration in
Electric Utility Resource Planning.

Rulemaking 04-04-003
(Filed April 1, 2004)

**ADMINISTRATIVE LAW JUDGE'S RULING
SCHEDULING PREHEARING CONFERENCE IN R.04-04-003
JOINTLY WITH PREHEARING CONFERENCE IN
R.04-04-025 ON JANUARY 24, 2005, AT 10:00 A.M.**

On June 4, 2004, President Peevey, by ruling in Rulemaking (R.) 04-04-003, identified six major issue categories to be covered in the proceeding, including a long-term policy for expiring Qualifying Facility (QF) contracts. The QF contract determination was deferred to a procedural track independent of the other five issues to be determined in that proceeding. On September 30, 2004, an Administrative Law Judge (ALJ) ruling was issued requesting proposals and comments on the development of a long-term policy for expiring QF contracts. Comments were due November 10, 2004, and reply comments due November 24, 2004. Parties were also asked to address whether evidentiary hearings were necessary in the QF phase of the Rulemaking.

Simultaneously with this ALJ ruling, an Assigned Commissioner's Ruling and Scoping Memo (ACR/Scoping Memo) is being issued in R.04-04-025 establishing that the scope of that proceeding will include developing a common methodology, consistent input assumptions and updating procedures for

avoided costs across various Commission proceedings, including Commission review of avoided costs for purposes of QF pricing.

That ruling also noticed a joint Prehearing Conference (PHC) for R.04-04-025 and R.04-04-003 for January 24, 2005.

Joint PHC

Since interested parties have filed comments and reply comments on proposals for a long-term policy for expiring QF comments and addressed whether evidentiary hearings are necessary, PHC statements are not requested at this time. Instead, parties should be prepared to discuss the scheduling of the hearings and the time needed for cross examination. Following the PHC, an ACR/Scoping Memo will issue establishing the scope of the hearings and setting the hearing schedule and the dates for service of testimony.

Service List

A service list for the QF Phase of R.04-04-003 will be established at the PHC. Although a service list was established for the Long-Term Procurement Phase of R.04-04-003, in order to have an accurate service list for this QF Phase of the proceeding, parties interested in being on the service list must fill out an appearance form at the PHC indicating whether they intend to participate as full parties or whether they wish to do as nonparties in the “information only” or “state service” category.

Electronic Service

Parties are to follow electronic service protocols for service of documents during the proceeding. It is Commission practice that all appearances must serve all parties and state service participants on the service list. Rule 2.3(b) provides that the ALJ may direct that service be made by electronic means. I will require all appearances that can provide the Commission with an electronic mail address

to serve documents in this proceeding by electronic mail, and in turn, to accept service by electronic mail. Service by electronic mail will be used in lieu of paper mail where an electronic address has been provided. Any appearance, or state service participant, who has not provided an electronic mail address shall serve and take service by paper mail. Service by mail is described in Rule 2.3(a).

This ruling does not change the rules regarding the tendering of documents for filing. Documents for filing must be tendered in paper form, as described in Rule 2, et seq. Service on the Commission, including the assigned ALJ and Commissioner, may be by electronic mail. My e-mail address is cab@cpuc.ca.gov.

A sender may serve a document by electronic mail by attaching the document to a note. The subject of the note accompanying the document must include the proceeding number and identify the party sending the document. The note must specify the word processing program used for the document. If the electronic mail is returned to the sender, or the recipient indicates to the sender that it cannot open the document, the sender shall immediately serve that party by paper mail.

Accessing Up-to-Date Electronic Mail Addresses

The current service lists for active proceedings are available on the Commission's web page, www.cpus.ca.gov. Choose "Service Lists" on the "Quick Links" bar. The service list for this proceeding can be located in the "Index of Service Lists" by scrolling to the application number. The Commission's Process Office periodically updates service lists to correct errors or to make changes at the request of parties and non-parties on the list. Appearances should copy the current service list from the web page (or obtain paper copy from the Process Office) before serving a document.

IT IS RULED that:

1. A Joint PHC for R.04-04-025 and R.04-04-003 is scheduled for January 24, 2005, at 10:00 a.m. in the Commission's Courtroom at 505 Van Ness Avenue, San Francisco, California.
2. Parties are to follow the electronic service protocols as set forth herein.

Dated January 4, 2005, at San Francisco, California.

/s/ Carol A. Brown

Carol A. Brown
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have this day served the attached Administrative Law Judge's Ruling Scheduling Prehearing Conference in R.04-04-003 Jointly with Prehearing Conference in R.04-04-025 on January 24, 2005, at 10:00 a.m. on all parties of record in this proceeding or their attorneys of record by electronic mail to those who provided electronic mail addresses, and by U.S. mail to those who did not provide email addresses.

Dated January 4, 2005, at San Francisco, California.

/s/ Teresita C. Gallardo

Teresita C. Gallardo

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.